

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 10704 of 2005

Dated: 07-02-2006

Between:

P.Devadanam

..... PETITIONER

AND

The Joint Collector,

Guntur, Guntur District and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No.10704 of 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government

Pleader for Civil Supplies appearing for the respondents.

The petitioner is the authorized dealer of the fair price shop of Namburu village, Pedakakani Mandal. On the basis of a report submitted by the Mandal Revenue Officer, Pedakakani, who inspected the fair price shop of the petitioner, second respondent-Revenue Divisional Officer by proceedings dated 28-06-2004 suspended the authorization of the petitioner pending enquiry. In the preliminary enquiry, it was proved that the petitioner had misused 92.70 quintals of rice meant for food for work scheme, which amounts to violation of Clause 19 of Condition 3 (1) of Andhra Pradesh Public Distribution System Control Order, 2001. On the same day i.e. on 28-06-2004 the second respondent also issued a show cause notice calling upon the petitioner to show cause as to why disciplinary action should not be taken against him for indulging in diversion of 92.70 quintals of rice to black market for his personal gain and thus violating Clause 19 of Condition 3(1) of Andhra Pradesh Public Distribution System, 2001. The petitioner submitted his explanation denying the said allegations. However, the Revenue Divisional Officer having made due enquiry held that the allegations are proved and accordingly by order dated 03-02-2005, cancelled the authorization of the petitioner. Questioning the same, the petitioner preferred an appeal before the Joint Collector, Guntur, which was dismissed by order dated 16-04-2005. The said order is under challenge in this writ petition contending that the order of cancellation passed by the second respondent dated 03-02-2005 was not preceded by any show cause notice and therefore, the same was in violation of the principles of natural justice.

The learned counsel for the petitioner submits that the show cause notice dated 28-06-2004 was only with regard to the suspension of authorization but not with regard to the proposed cancellation of the authorization and therefore on that ground alone the impugned order is liable to be set aside.

A perusal of the show cause notice dated 28-06-2004 shows that the petitioner was clearly put on notice about the alleged irregularities and he was directed to show cause as to why disciplinary action should not be taken against him for the said irregularities within seven days from the date of the receipt of the notice. It is also not in dispute that the petitioner, having received the show cause notice, submitted his explanation and participated in the

enquiry before the Revenue Divisional Officer. The Revenue Divisional Officer, having considered the entire material on record, cancelled the authorization and the same was also confirmed by the Joint Collector on appeal. The petitioner never raised any objection either before the Revenue Divisional Officer or before the Joint Collector and participated in the enquiry. As a matter of fact, in the show cause notice dated 28-06-2004 the petitioner was clearly informed about the proposed disciplinary action, which includes cancellation of the authorization. Therefore, the contention of the petitioner was without any substance and cannot be accepted.

Having regard to the facts and circumstances of the case, I am of the opinion that there was adequate opportunity to the petitioner to rebut the allegations and the impugned order cannot be said to be in violation of the principles of natural justice.

The writ petition is devoid of any merit and the same is accordingly is dismissed. No costs.

G.ROHINI,J

Dated: 07-02-2006

Klp/ghn